REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-36 are currently pending. Claims 1, 13, 21, 25, and 33 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 13-19 and 25-31 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,314,460 to Knight et al. (hereinafter "the '460 patent"); Claims 20-24 and 32-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '460 patent in view of U.S. Patent No. 5,706,434 to Kremen et al. (hereinafter "the '434 patent"); Claims 1-7, 13-19, and 25-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '460 patent in view of U.S. Patent No. 6,237,143 to Fontana et al. (hereinafter "the '143 patent"); and Claims 8-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '460, '143, and '434 patents.

Amended Claim 13 is directed to a computer-implemented method for collecting information from a target software application residing in a device unit, the method comprising the steps of: (1) obtaining, from the target software application through a software interface, by a monitoring software device residing in the device unit and having a plurality of monitoring components, information regarding execution of the target software application, wherein the plurality of monitoring components includes an event logger; and (2) processing instructions sent from the target software application by the software device, wherein the instructions include sending event data to a remote site and storing event data in a local disk, wherein the processing step includes the steps of accessing a shared system resource and executing a plurality of instructions included in the system resource. Further, Claim 13 has been amended to clarify that the device unit is one of an image printing device

and an appliance. The changes to Claim 13 are supported by the originally filed specification

and do not add new matter.[1]

Regarding the rejection of Claim 13 as anticipated by the '460 patent, the '460 patent

is directed to a method and system for analyzing a storage network attached to at least one

host computer system through multiple controllers. As shown in Figure 1, the '460 patent

discloses a distributed storage management program comprising a central manager portion

and a separate agent residing in each of the host computer systems. The '460 patent discloses

that the agents gather data and communicate with the manager across the communication

path independent of the storage network, while the manager collates the data from different

agents to produce a current view of the storage network.[2] Further, the '460 patent discloses

that each agent operates as a server, responding to data requests from the central manager.

However, Applicants respectfully submit that the '460 patent fails to disclose the step of

obtaining, from a target software application through a software interface, by a monitoring

software device residing in the device unit and having a plurality of monitoring components,

information regarding execution of the target software application, as recited in amended

Claim 13. Further, Applicants respectfully submit that the '460 patent fails to disclose that

the device unit is one of an image printing device and an appliance, as recited in Claim 13.

Rather, the '460 patent discloses that the central manager and the local agents reside on

separate computer systems. Further, the '460 patent fails to disclose that the device unit is

one of an image printing device and an appliance. Rather, the '460 patent discloses storage

units and servers. Moreover, Applicants respectfully submit that the '460 patent fails to

disclose a software interface, as recited in Claim 13.

In addition, Applicants respectfully submit that the '460 patent fails to disclose that

the step of processing instructions from the target software application by the monitoring

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[1] See, e.g., Figure 12(a) and the discussion related thereto in the specification.
[2] '460 patent, column 3, lines 17-23.

software device, wherein the instructions include sending event data to a remote site and storing event data in local disk, as recited in amended Claim 13. In this regard, if the host computer and/or the storage units disclosed by the '460 patent are asserted to read on the claimed target application, the '460 patent fails to disclose that the storage unit or the host sends the monitoring software device instructions including instructions for sending the event data to a remote site and storing event data in a local disk. Rather, the '460 patent discloses that the central manager sends instructions to the local agents.

Accordingly, for the reasons stated above, Applicants respectfully submit that the rejection of Claim 13 (and dependent Claims 14-19) are rendered moot by the present amendment to Claim 13.

Regarding the rejection of dependent Claims 20-24 under 35 U.S.C. §103, Applicants respectfully submit that the '434 patent fails to remedy the deficiencies of the '460 patent, as discussed above. Accordingly, Applicants respectfully submit that the rejection of Claims 20-24 is rendered moot by the present amendment to Claim 13.

Independent Claim 25 recites analogous limitations recited in Claim 13. Moreover, Claim 25 has been amended in a matter analogous to the amendment to Claim 13. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejection of Claim 25 (and dependent Claims 26-31) are rendered moot by the present amendment to Claim 25.

Applicants respectfully submit that the rejections of dependent Claims 32-36 are rendered moot by the present amendment to independent Claim 25.

Amended Claim 1 is directed to a system for collecting information regarding execution of a target software application residing in a device unit, the system comprising: (1) a monitoring device having a plurality of monitoring components including an event logger, the monitoring device residing in the device unit; (2) a target application interface

configured to receive a plurality of monitoring requests from the target software application

for processing by the monitoring device, the target application interface residing in the device

unit; and (3) a system resource residing in the device unit and having at least one system

resource component shared among the plurality of monitoring components using at least one

abstract class. Further, Claim 1 has been amended to clarify that the device unit is one of an

image printing device and an appliance. The changes to Claim 1 are supported by the

originally filed specification and do not add new matter.[3]

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the Office Action

asserts that the '460 patent discloses everything in Claim 1 with the exception of the target

application interface, and relies on the '143 patent to remedy that deficiency.

As discussed above, the '460 patent is directed to a method and system for analyzing

a storage network attached to at least one host computer through multiple controllers. As

shown in Figure 1, the '460 patent discloses a distributed storage management program

comprising a central management portion and a separate agent residing in each of the host

computer systems. The '460 patent discloses that each agent operates as a server, responding

to data requests from the central manager. However, Applicants respectfully submit that the

'460 patent fails to disclose a target application interface configured to receive a plurality of

monitoring requests from the target software application for processing by the monitoring

device, the target application interface residing in the device unit. Further, Applicants

respectfully submit that the '460 patent fails to disclose a target software application residing

in a device unit, a monitoring device residing in the device unit, a target application interface

residing in the device unit, and a system resource residing in the device unit, as recited in

independent Claim 1. Further, Applicants respectfully submit that the '460 patent fails to

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[3] See e.g., Figure 12a and the discussion related thereto in the specification.

disclose that the device unit is one of an <u>image printing device</u> and an appliance. Rather, the '460 patent is directed to storage units and computer servers.

The '143 patent is directed to a method and system for monitoring and capturing file usage of a software tool. As shown in Figure 3, the '143 patent discloses that the tool wrapper 30 may send a request to the administrator 35 for the file folder 18 to monitor the input output operations of the tool 17. However, Applicants respectfully submit that the '143 patent fails to disclose a target application interface configured to receive a plurality of monitoring requests from a target software application for processing by the monitoring device, as recited in Claim 1. If the file filter is equated with the claimed monitoring device and the administrator is equated with the claimed target application interface, Applicants note that the plurality of monitoring requests come from the tool wrapper 30, not from the tool 17, which is the component being monitored by the file filter (monitoring device), and thus must be equated with the target application. In other words, the '143 patent does not disclose that the monitoring requests come from the target software application, but come from another component, i.e., the tool wrapper 30. Further, Applicants respectfully submit that the '143 patent fails to remedy the deficiencies of the '460 patent regarding a device unit having residing therein a target software application, a monitoring device, a target application interface, and a system resource, as recited in amended Claim 1. Further, the '143 patent fails to disclose that the device unit is one of an image printing device and an appliance.

Thus, no matter how the teachings of the '460 and '143 patents are combined, the combination does not teach or suggest the monitoring device or the target application interface recited in amended Claim 1. Accordingly, Applicants respectfully submit that the rejection of Claim 1 is rendered moot by the present amendment to that claim and that Claim 1 patentably defines over any proper combination of the '460 and '143 patents.
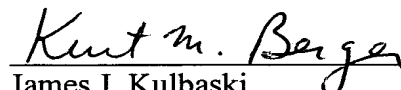
Regarding the rejection of dependent Claims 8-12 under 35 U.S.C. § 103, Applicants respectfully submit that the '434 patent fails to remedy the deficiencies of the '460 and '143 patents, as discussed above. Accordingly, Applicants respectfully submit that the rejections of Claims 8-12 are rendered moot by the present amendment to Claim 1.

Thus, it is respectfully submitted that independent Claims 1, 13, and 25 (and all associated dependent Claims) patentably define over any proper combination of the '460, '143, and '434 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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